

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADRIANA AGUILAR, *et al.*,

Plaintiffs,

- against -

IMMIGRATION AND CUSTOMS ENFORCEMENT
DIVISION OF THE UNITED STATES
DEPARTMENT OF HOMELAND SECURITY, *et al.*,

Defendants.

**ECF Case
07 Civ. 8224 (JGK) (FM)**

ANSWER OF ICE 4

Defendant ICE 4 (“Defendant”) answers the Second Amended Complaint, dated May 30, 2008 (the “Complaint”), on information and belief as follows:

INTRODUCTION

1. Denies the allegations contained in paragraph 1 of the Complaint, except admits that this action seeks declaratory and injunctive relief, and damages, based on plaintiffs’ claims that defendants violated their constitutional rights.

2. Denies the allegations contained in the first sentence of paragraph 2 of the Complaint, except admits that in 2006 the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security (“ICE”) initiated Operation Return to Sender, the goal of which was to identify, apprehend, and remove fugitive aliens from the United States. Denies the allegations contained in the second sentence of paragraph 2 of the Complaint.

3. Denies the allegations contained in paragraph 3 of the Complaint.

4. Denies the allegations contained in the first sentence of paragraph 4 of the Complaint. Denies the allegations contained in the second sentence of paragraph 4 of the

Complaint to the extent the allegations refer to Defendant. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of paragraph 4 of the Complaint to the extent the allegations refer to other agents.

5. Denies the allegations contained in paragraph 5 of the Complaint, except admits that home entries conducted under Operation Return to Sender were carried out in the pre-dawn or early morning hours.

6. Denies the allegations contained in paragraph 6 of the Complaint.

7. Denies the allegations contained in paragraph 7 of the Complaint.

8. Denies the allegations contained in paragraph 8 of the Complaint.

9. Denies the allegations contained in paragraph 9 of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint, except denies the allegation that “ICE’s lapses in training and information gathering . . . have contributed to the constitutional violations raised herein.”

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint and respectfully refers the Court to the referenced document for a true and accurate statement of its contents.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint and respectfully refers the Court to the referenced document for a true and accurate statement of its contents.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint and respectfully refers the Court to the referenced document for a true and accurate statement of its contents.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Complaint.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 18 of the Complaint. Denies the allegations contained in the second sentence of paragraph 18 of the Complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the Complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 20 of the Complaint. Denies the allegations contained in the second sentence of paragraph 20 of the Complaint.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint.

22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first, second and third sentences of paragraph 22 of the Complaint. Denies the allegations contained in the fourth sentence of paragraph 22 of the Complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first and second sentences of paragraph 24 of the Complaint. Denies the allegations contained in the third sentence of paragraph 24 of the Complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the Complaint.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 26 of the Complaint. Denies the allegations contained in the second sentence of paragraph 26 of the Complaint.

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of the Complaint.

28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 28 of the Complaint. Denies the allegations contained in the second sentence of paragraph 28 of the Complaint.

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29 of the Complaint.

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first and second sentences of paragraph 30 of the Complaint. Denies the allegations contained in the second sentence of paragraph 30 of the Complaint.

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31 of the Complaint.

32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 32 of the Complaint. Denies the allegations contained in the second sentence of paragraph 32 of the Complaint.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33 of the Complaint.

34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the Complaint.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35 of the Complaint.

36. Denies the allegations contained in paragraph 36 of the Complaint.

37. Denies the allegations contained in the first sentence of paragraph 37 of the Complaint. Denies that the plaintiffs are entitled to the relief requested in the second sentence of paragraph 37 of the Complaint or to any relief whatsoever.

38. Denies that the plaintiffs are entitled to the compensation for the alleged damages referred to in paragraph 38 of the Complaint.

JURISDICTION AND VENUE

39. Denies the allegations contained in paragraph 39 of the Complaint, except admits that subject matter jurisdiction for plaintiffs' claims against Defendant in Defendant's individual capacity exists under 28 U.S.C. § 1331.

40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40 of the Complaint.

PARTIES

41. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 41 of the Complaint.

42. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 42 of the Complaint.

43. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43 of the Complaint.

44. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of the Complaint.

45. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of the Complaint.

46. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46 of the Complaint.

47. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 of the Complaint.

48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 48 of the Complaint.

49. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49 of the Complaint.

50. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 50 of the Complaint.

51. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 51 of the Complaint.

52. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 52 of the Complaint.

53. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 53 of the Complaint.

54. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 54 of the Complaint.

55. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 55 of the Complaint.

56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 56 of the Complaint.

57. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 57 of the Complaint.

58. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 58 of the Complaint.

59. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 59 of the Complaint.

60. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 60 of the Complaint.

61. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 61 of the Complaint.

62. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 62 of the Complaint.

63. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 63 of the Complaint.

64. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 64 of the Complaint.

65. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 65 of the Complaint.

66. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 66 of the Complaint.

67. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 67 of the Complaint.

68. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 68 of the Complaint.

69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 69 of the Complaint.

70. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 70 of the Complaint.

71. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 71 of the Complaint.

72. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 72 of the Complaint.

73. Admits the allegations contained in paragraph 73 of the Complaint.

74. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 74 of the Complaint.

75. Admits the allegations contained in the first sentence of paragraph 75 of the Complaint. Denies the allegations contained in the second sentence of paragraph 75 except admits that, as Secretary of the Department of Homeland Security (“DHS”), Michael Chertoff is responsible for administering and implementing portions of the Immigration and Nationality Act

as amended, 8 U.S.C. §§ 1101, *et seq.*, and that the head of ICE reports to him. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the third sentence of paragraph 75 of the Complaint.

76. Admits the allegations contained in the first sentence of paragraph 76 of the Complaint. Denies the allegations contained in the second sentence of paragraph 76 of the Complaint, except admits that, as Assistant Secretary for ICE, Julie Meyers is responsible for administering and implementing portions of the Immigration and Nationality Act as amended, 8 U.S.C. §§ 1101, *et seq.*, and for overseeing ICE. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the third sentence of paragraph 76 of the Complaint.

77. Denies the allegations contained in the first sentence of paragraph 77 of the Complaint, except admits that defendant John P. Torres was the Director of ICE's Office of Detention and Removal Operations ("DRO") in 2007. Denies the allegations contained in the second sentence of paragraph 77 of the Complaint, except admits that, as Director of DRO, defendant Torres was responsible for, among other things, the apprehension, detention, and removal of removable aliens. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the third sentence of paragraph 77 of the Complaint.

78. Denies the allegations contained in the first sentence of paragraph 78 of the Complaint, except admits that in 2007, defendant Christopher Shanahan was the Field Office Director for the New York Office of DRO located in New York, New York. Denies the allegations contained in the second sentence of paragraph 78 of the Complaint, except admits that Christopher Shanahan had supervisory responsibility for DRO New York Field Office's enforcement operations, which cover Suffolk and Westchester Counties.

79. Denies the allegations contained in the first and second sentences of paragraph 79 of the Complaint. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the third sentence of paragraph 79 of the Complaint.

80. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 80 of the Complaint.

81. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 81 of the Complaint.

82. Admits the allegations contained in the first sentence of paragraph 82 of the Complaint. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second and third sentences of paragraph 82 of the Complaint.

83. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 83 of the Complaint.

84. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 84 of the Complaint.

85. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 85 of the Complaint.

86. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 86 of the Complaint.

87. Admits the allegations contained in the first sentence of paragraph 87 of the Complaint. Denies the allegations contained in the second sentence of paragraph 87 of the Complaint. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the third sentence of paragraph 87 of the Complaint.

88. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 88 of the Complaint.

89. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 89 of the Complaint.

90. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 90 of the Complaint.

91. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 91 of the Complaint.

92. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 92 of the Complaint.

93. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 93 of the Complaint.

94. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 94 of the Complaint.

95. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 95 of the Complaint.

96. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 96 of the Complaint.

97. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 97 of the Complaint.

98. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 98 of the Complaint.

99. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 99 of the Complaint.

100. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 100 of the Complaint.

101. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 101 of the Complaint.

102. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 102 of the Complaint.

103. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 103 of the Complaint.

104. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 104 of the Complaint.

105. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 105 of the Complaint.

106. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 106 of the Complaint.

107. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 107 of the Complaint.

108. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 108 of the Complaint.

109. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 109 of the Complaint.

110. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 110 of the Complaint.

111. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 111 of the Complaint.

112. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 112 of the Complaint.

113. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 113 of the Complaint.

114. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 114 of the Complaint.

115. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 115 of the Complaint.

116. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 116 of the Complaint.

117. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 117 of the Complaint.

118. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 118 of the Complaint.

119. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 119 of the Complaint.

120. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 120 of the Complaint.

121. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 121 of the Complaint.

122. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 122 of the Complaint.

123. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 123 of the Complaint.

124. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 124 of the Complaint.

125. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 125 of the Complaint.

126. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 126 of the Complaint.

127. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 127 of the Complaint.

128. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 128 of the Complaint.

129. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 129 of the Complaint.

130. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 130 of the Complaint.

131. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 131 of the Complaint.

132. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 132 of the Complaint.

133. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 133 of the Complaint.

134. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 134 of the Complaint.

135. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 135 of the Complaint.

136. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 136 of the Complaint.

137. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 137 of the Complaint.

138. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 138 of the Complaint.

139. Denies the allegations contained in paragraph 139 of the Complaint.

140. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 140 of the Complaint.

141. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 141 of the Complaint.

142. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 142 of the Complaint.

143. Denies the allegations contained in the first sentence of paragraph 143 of the Complaint. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence in paragraph 143 of the Complaint.

144. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 144 of the Complaint.

145. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 145 of the Complaint.

146. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 146 of the Complaint.

147. Denies the allegations contained in paragraph 147 of the Complaint.

FACTS

Background on ICE

148. Admits the allegations contained in the first sentence of paragraph 148 of the Complaint. Denies the allegations contained in the second sentence of paragraph 148 of the Complaint, except admits that ICE is composed of four law enforcement divisions, one of which is DRO.

149. Denies the allegations contained in paragraph 149 of the Complaint, except admits that DRO initiated the National Fugitive Operations Program in February 2002, and that one of the goals of the National Fugitive Operations Program is to eliminate the back log of fugitive aliens.

150. Admits the allegations contained in paragraph 150 of the Complaint.

151. Admits the allegations contained in paragraph 151 of the Complaint.

152. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 152 of the Complaint.

153. Denies the allegations contained in paragraph 153 of the Complaint.

154. Denies the allegations contained in paragraph 154 of the Complaint, except admits that in conducting enforcement operations, DRO and Fugitive Operations Teams rely on various law enforcement databases, among other sources of information.

155. Denies the allegations contained in paragraph 155 of the Complaint.

156. Denies the allegations contained in paragraph 156 of the Complaint, except admits that the DRO Policy and Procedure Manual sets forth policies governing Fugitive Operations Teams' conduct of apprehension operations.

157. Denies the allegations contained in paragraph 157 of the Complaint.

158. Denies the allegations contained in paragraph 158 and respectfully refers the Court to the March 2007 Inspector General's report, attached to the Complaint as Exhibit 3, for a true and accurate statement of its contents.

The ICE Raid on the Leon/Aguilar Family Home

159. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 159 of the Complaint.

160. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 160 of the Complaint.

161. Denies the allegations contained in paragraph 161 of the Complaint, except admits that on February 20, 2007, several unmarked cars were parked in front of 30 Copeces Lane, East Hampton, New York.

162. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 162 of the Complaint.

163. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 163 of the Complaint.

164. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 164 of the Complaint.

165. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 165 of the Complaint.

166. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 166 of the Complaint, except admits that agents carried side arms.

167. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 167 of the Complaint.

168. Denies the allegations contained in paragraph 168 of the Complaint, except admits that ICE agents were present at 30 Copeces Lane on the date alleged in the Complaint.

169. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 169 of the Complaint.

170. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 170 of the Complaint.

171. Denies the allegations contained in paragraph 171 of the Complaint.

172. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 172 of the Complaint.

173. Admits the allegations contained in paragraph 173 of the Complaint.

174. Denies the allegations contained in paragraph 174 of the Complaint.

175. Denies the allegations contained in paragraph 175 of the Complaint, except admits that Defendant knocked on the doors of rooms on the ground floor of 30 Copeces Lane.

176. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 176 of the Complaint.

177. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first two sentences of paragraph 177 of the Complaint, except admits that Defendant and ICE 6 were in the basement of 30 Copeces Lane on the date alleged in the Complaint. Denies the allegations contained in the third sentence of paragraph 177 of the Complaint.

178. Denies or knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 178 of the Complaint, except admits that Defendant knocked on a door on the ground floor of the house, opened the door, and observed a women on a bed with a child.

179. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 179 of the Complaint, except admits that Defendant had a flashlight.

180. Denies the allegations contained in paragraph 180 of the Complaint.

181. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 181 of the Complaint, except admits that the woman in the bedroom asked ICE agents who they were and what they were doing in Spanish.

182. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 182 of the Complaint, except admits that ICE agents asked the individuals at the house to gather in the office space on the ground floor.

183. Denies the allegations contained in paragraph 183 of the Complaint.

184. Denies the allegations contained in paragraph 184 of the Complaint.

185. Denies the allegations contained in paragraph 185 of the Complaint.

186. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 186 of the Complaint.

187. Denies the allegations contained in paragraph 187 of the Complaint.

188. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 188 of the Complaint.

189. Denies the allegations contained in paragraph 189 of the Complaint, except admits that an ICE agent showed a woman a photo of “Wilson Garcia” in the office area of the house.

190. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 190 of the Complaint.

191. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 191 of the Complaint.

192. Denies the allegations contained in paragraph 192 of the Complaint, except admits that ownership of the house is a matter of public record.

193. Denies the allegations contained in paragraph 193 of the Complaint.

194. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 194 of the Complaint, except admits that ICE agents questioned a woman and a man about the whereabouts of “Wilson Garcia.”

195. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 195 of the Complaint, except admits that a woman asked to see a warrant.

196. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 196 of the Complaint, except admits that an ICE agent told a woman that he would show her a warrant.

197. Denies the allegations contained in paragraph 197 of the Complaint.

198. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 198 of the Complaint, except admits that a man asked an ICE agent to show him a warrant.

199. Denies the allegations contained in paragraph 199 of the Complaint.

200. Denies the allegations contained in paragraph 200 of the Complaint.

201. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 201 of the Complaint.

202. Denies the allegations contained in paragraph 202 of the Complaint, except admits the DRO agents participating in the New York field Office execution of Operation Return to Sender did not have judicial search warrants.

203. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 203 of the Complaint.

204. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 204 of the Complaint.

205. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 205 of the Complaint.

206. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 206 of the Complaint.

207. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 207 of the Complaint.

208. Denies the allegations contained in paragraph 208 of the Complaint, except admits that Defendant and the other agents referenced in paragraph 208 of the Complaint were present at 30 Copeces Lane on the date alleged in the Complaint.

The ICE Raid on the Amaya Household

209. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 209 of the Complaint.

210. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 210 of the Complaint.

211. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 211 of the Complaint.

212. Denies the allegations contained in paragraph 212 of the Complaint.

213. Denies the allegations contained in paragraph 213 of the Complaint.

214. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 214 of the Complaint.

215. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 215 of the Complaint.

216. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 216 of the Complaint.

217. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 217 of the Complaint.

218. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 218 of the Complaint.

219. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 219 of the Complaint.

220. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 220 of the Complaint.

221. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 221 of the Complaint.

222. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 222 of the Complaint.

223. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 223 of the Complaint.

224. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 224 of the Complaint.

225. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 225 of the Complaint.

226. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 226 of the Complaint.

227. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 227 of the Complaint.

228. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 228 of the Complaint.

229. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 229 of the Complaint.

230. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 230 of the Complaint.

231. Denies the allegations contained in paragraph 231 of the Complaint.

232. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 232 of the Complaint.

233. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 233 of the Complaint.

234. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 234 of the Complaint.

235. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 235 of the Complaint.

236. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 236 of the Complaint.

237. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 237 of the Complaint.

238. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 238 of the Complaint.

239. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 239 of the Complaint, except admits that a woman was transported to the Wainscott police station.

240. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 240 of the Complaint.

241. Denies the allegations contained in the first sentence of paragraph 241 of the Complaint, except admits that while traveling to the Wainscott police station, ICE agents called an ambulance. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of paragraph 241 of the Complaint.

242. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 242 of the Complaint, except admits that a woman was transported from the Wainscott police station to 26 Federal Plaza, New York, New York.

243. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 243 of the Complaint.

244. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 244 of the Complaint.

245. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 245 of the Complaint.

246. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 246 of the Complaint.

247. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 247 of the Complaint.

248. Denies the allegations contained in paragraph 248 of the Complaint, except admits that ICE agents released a woman after she received medical treatment.

249. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 249 of the Complaint.

250. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 250 of the Complaint.

251. Denies the allegations contained in paragraph 251 of the Complaint, except admits that Defendant and the other agents referenced in paragraph 251 of the Complaint were present at 20 Boatsteerer's Court on the date alleged in the Complaint.

The ICE Raid at 417 East Avenue, Riverhead, New York

252. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 252 of the Complaint.

253. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 253 of the Complaint.

254. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 254 of the Complaint.

255. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 255 of the Complaint.

256. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 256 of the Complaint.

257. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first three sentences of paragraph 257 of the Complaint, except admits that ICE agents were in the kitchen of 417 East Avenue, Riverhead, New York at approximately 6:00 a.m. on the date alleged in the Complaint. Denies the allegations contained in the last sentence of paragraph 257 of the Complaint.

258. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 258 of the Complaint, except admits that at least five men were handcuffed at 417 East Avenue on the date alleged in the Complaint.

259. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 259 of the Complaint.

260. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 260 of the Complaint.

261. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 261 of the Complaint.

262. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 262 of the Complaint, except admits that at least five men were handcuffed at 417 East Avenue on the date alleged in the Complaint. Denies the allegations contained in the second sentence of paragraph 262 of the Complaint, except admits that ICE agents did not have a judicial search warrant. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the last sentence of paragraph 262 of the Complaint, except admits that at least five men at 417 East Avenue were led outside to waiting vehicles.

263. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 263 of the Complaint, except admits that ICE agents traveled to additional houses after leaving 417 East Avenue.

264. Denies the allegations contained in the first sentence of paragraph 264 of the Complaint except admits that ICE agents stopped in a parking lot. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of paragraph 264 of the Complaint.

265. Denies knowledge or information sufficient to form a belief as to the truth of the allegations the allegations contained in paragraph 265 of the Complaint, except admits a man was in chains.

266. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 266 of the Complaint, except admits that the individuals apprehended at 417 East Avenue were transported to 26 Federal Plaza where they were questioned by ICE agents.

267. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 267 of the Complaint.

268. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 268 of the Complaint.

269. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 269 of the Complaint.

270. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 270 of the Complaint.

271. Denies the allegations contained in paragraph 271 of the Complaint, except admits that Defendant and the other agents referenced in paragraph 271 of the Complaint were present at 417 East Avenue on the date alleged in the Complaint.

The ICE Raid at 165 Main Street, Mount Kisco, New York

272. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 272 of the Complaint.

273. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 273 of the Complaint.

274. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 274 of the Complaint.

275. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 275 of the Complaint.

276. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 276 of the Complaint.

277. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 277 of the Complaint.

278. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 278 of the Complaint.

279. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 279 of the Complaint.

280. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 280 of the Complaint.

281. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 281 of the Complaint.

282. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 282 of the Complaint.

283. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 283 of the Complaint.

284. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 284 of the Complaint.

285. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 285 of the Complaint.

286. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 286 of the Complaint.

The ICE Raid on the Doe Family

287. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 287 of the Complaint.

288. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 288 of the Complaint.

289. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 289 of the Complaint.

290. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 290 of the Complaint.

291. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 291 of the Complaint.

292. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 292 of the Complaint.

293. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 293 of the Complaint.

294. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 294 of the Complaint.

295. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 295 of the Complaint.

296. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 296 of the Complaint.

297. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 297 of the Complaint.

298. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 298 of the Complaint.

299. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 299 of the Complaint.

300. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 300 of the Complaint.

The ICE Raid at the Bonilla/Velasquez Home in Westbury, New York

301. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 301 of the Complaint.

302. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 302 of the Complaint.

303. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 303 of the Complaint.

304. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 304 of the Complaint.

305. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 305 of the Complaint.

306. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 306 of the Complaint.

307. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 307 of the Complaint.

308. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 308 of the Complaint.

309. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 309 of the Complaint.

310. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 310 of the Complaint.

311. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 311 of the Complaint.

312. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 312 of the Complaint.

313. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 313 of the Complaint.

314. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 314 of the Complaint.

315. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 315 of the Complaint.

316. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 316 of the Complaint.

317. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 317 of the Complaint.

318. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 318 of the Complaint.

The ICE Raid at the Bonilla/Rodriquez Home in Westbury, New York

319. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 319 of the Complaint.

320. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 320 of the Complaint.

321. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 321 of the Complaint.

322. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 322 of the Complaint.

323. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 323 of the Complaint.

324. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 324 of the Complaint.

325. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 325 of the Complaint.

326. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 326 of the Complaint.

327. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 327 of the Complaint.

328. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 328 of the Complaint.

The ICE Raid at 20 Chase Street in Hempstead, New York

329. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 329 of the Complaint.

330. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 330 of the Complaint.

331. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 331 of the Complaint.

332. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 332 of the Complaint.

333. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 333 of the Complaint.

334. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 334 of the Complaint.

335. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 335 of the Complaint.

336. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 336 of the Complaint.

337. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 337 of the Complaint.

338. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 338 of the Complaint.

339. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 339 of the Complaint.

340. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 340 of the Complaint.

341. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 341 of the Complaint.

342. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 342 of the Complaint.

The ICE Raid on the Amaya Home in Huntington Station, New York

343. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 343 of the Complaint.

344. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 344 of the Complaint.

345. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 345 of the Complaint.

346. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 346 of the Complaint.

347. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 347 of the Complaint.

348. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 348 of the Complaint.

349. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 349 of the Complaint.

350. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 350 of the Complaint.

351. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 351 of the Complaint.

352. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 352 of the Complaint.

353. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 353 of the Complaint.

354. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 354 of the Complaint.

355. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 355 of the Complaint.

356. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 356 of the Complaint.

357. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 357 of the Complaint.

358. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 358 of the Complaint.

359. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 359 of the Complaint.

360. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 360 of the Complaint.

361. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 361 of the Complaint.

362. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 362 of the Complaint.

363. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 363 of the Complaint.

364. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 364 of the Complaint.

**The Two ICE Raids on the De La Rosa-Delgado/Jimenez
Home in Huntington Station, New York**

365. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 365 of the Complaint.

366. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 366 of the Complaint.

367. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 367 of the Complaint.

368. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 368 of the Complaint.

369. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 369 of the Complaint.

370. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 370 of the Complaint.

371. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 371 of the Complaint.

372. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 372 of the Complaint.

373. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 373 of the Complaint.

374. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 374 of the Complaint.

375. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 375 of the Complaint.

376. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 376 of the Complaint.

377. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 377 of the Complaint.

378. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 378 of the Complaint.

379. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 379 of the Complaint.

380. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 380 of the Complaint. Denies the allegations contained in the second sentence of paragraph 380 of the Complaint.

381. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 381 of the Complaint.

382. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 382 of the Complaint.

383. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 383 of the Complaint.

384. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 384 of the Complaint.

385. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 385 of the Complaint.

386. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 386 of the Complaint.

387. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 387 of the Complaint.

388. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 388 of the Complaint.

389. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 389 of the Complaint.

390. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 390 of the Complaint.

391. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 391 of the Complaint.

392. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 392 of the Complaint.

393. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 393 of the Complaint.

394. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 394 of the Complaint.

395. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 395 of the Complaint.

396. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 396 of the Complaint.

397. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 397 of the Complaint.

398. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 398 of the Complaint.

399. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 399 of the Complaint.

400. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 400 of the Complaint.

401. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 401 of the Complaint.

402. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 402 of the Complaint.

403. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 403 of the Complaint.

404. Paragraph 404 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 404 of the Complaint.

405. Paragraph 405 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 405 of the Complaint.

406. Paragraph 406 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 406 of the Complaint.

407. Paragraph 407 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 407 of the Complaint.

408. Paragraph 408 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 408 of the Complaint.

409. Paragraph 409 of the Complaint contains legal conclusions as to which no response is required.

410. Paragraph 410 of the Complaint contains legal conclusions as to which no response is required.

**ICE's Pattern and Practice, if not Policy,
of Performing Illegal and Unconstitutional Home Raids**

411. Denies the allegations contained in the first and third sentences of paragraph 411 of the Complaint. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of paragraph 411 of the Complaint.

412. Admits the existence of the newspaper article referenced in paragraph 412 of the Complaint and respectfully refers the Court to that document, attached to the Complaint as Exhibit 4, for its contents.

413. Admits the existence of the newspaper article referenced in paragraph 413 of the Complaint and respectfully refers the Court to that document, attached to the Complaint as Exhibit 5, for its contents.

414. Admits the existence of the newspaper article referenced in paragraph 414 of the Complaint and respectfully refers the Court to that document, attached to the Complaint as Exhibit 6, for its contents.

415. Admits the existence of the newspaper article referenced in paragraph 415 of the Complaint and respectfully refers the Court to that document, attached to the Complaint as Exhibit 7, for its contents.

416. Admits the existence of the newspaper article referenced in paragraph 416 of the Complaint and respectfully refers the Court to that document, attached to the Complaint as Exhibit 8, for its contents.

417. Admits the existence of the newspaper article referenced in paragraph 417 of the Complaint and respectfully refers the Court to that document, attached to the Complaint as Exhibit 9, for its contents.

418. Admits the existence of the newspaper article referenced in paragraph 418 of the Complaint and respectfully refers the Court to that document, attached to the Complaint as Exhibit 10, for its contents.

The Named Plaintiffs' Injuries

419. Denies the allegations contained in paragraph 419 of the Complaint.

420. Denies the allegations contained in paragraph 420 of the Complaint.

421. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 421 of the Complaint.

CLASS ACTION ALLEGATIONS

422. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 422 of the Complaint.

423. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 423 of the Complaint.

424. Paragraph 424 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 424 of the Complaint.

425. Paragraph 425 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 425 of the Complaint.

426. Paragraph 426 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 426 of the Complaint.

427. Paragraph 427 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 427 of the Complaint.

428. Paragraph 428 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 428 of the Complaint.

429. Denies knowledge or information sufficient to belief as to the truth of the allegations contained in paragraph 429 of the Complaint.

430. Denies the allegations contained in paragraph 430 of the Complaint.

CLAIMS FOR RELIEF

FIRST CLAIM: CLASS ACTION CLAIM OF FOURTH AMENDMENT VIOLATIONS (Against All Defendants)

431. Incorporates by reference his responses to paragraphs 1 through 430 as if fully set forth herein.

432. Paragraph 432 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 432 of the Complaint.

433. Denies the allegations contained in paragraph 433 of the Complaint.

434. Denies the allegations contained in paragraph 434 of the Complaint.

435. Denies the allegations contained in paragraph 435 of the Complaint, except admits the existence of the letter referenced therein and respectfully refers the Court to that document, attached to the Complaint as Exhibit 1, for its contents.

436. Denies the allegations contained in paragraph 436 of the Complaint.

437. Denies the allegations contained in paragraph 437 of the Complaint.

438. Denies the allegations contained in the first and fourth sentences of paragraph 438 of the Complaint, and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second and third sentences of paragraph 438 of the Complaint.

439. Denies the allegations contained in paragraph 439 of the Complaint.

440. Denies the allegations contained in paragraph 440 of the Complaint.

441. Paragraph 441 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 441 of the Complaint.

442. Paragraph 442 of the Complaint contains legal conclusions as to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 442 of the Complaint.

443. Denies the allegations contained in paragraph 443 of the Complaint.

444. Denies the allegations contained in paragraph 444 of the Complaint.

445. Denies the allegations contained in paragraph 445 of the Complaint.

446. Denies the allegations contained in paragraph 446 of the Complaint.

**SECOND CLAIM: *BIVENS* CLAIM OF NAMED PLAINTIFFS
(Against Defendants Shanahan, Smith, Palmese,
John and Jane Doe ICE Agents and John and Jane Roe ICE Supervisors)**

447. Incorporates by reference his responses to paragraphs 1 through 446 as if fully set forth therein.

448. Denies the allegations contained in paragraph 448 of the Complaint.

449. Denies the allegations contained in paragraph 449 of the Complaint.

450. Denies the allegations contained in paragraph 450 of the Complaint.

451. Denies the allegations contained in paragraph 451 of the Complaint.

452. Denies the allegations contained in paragraph 452 of the Complaint.

AFFIRMATIVE DEFENSES

1. Plaintiffs fail to state a claim upon which relief can be granted.

2. The Court lacks subject matter jurisdiction over plaintiffs' claim for injunctive and declaratory relief.

3. Plaintiffs are not entitled to a jury trial with respect to the claim for injunctive and declaratory relief.

Dated: New York, New York
September 12, 2008

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York,
Attorney for Defendants

By: /s/
SHANE CARGO
LARA K. ESHKENAZI
ALLISON D. PENN
KRISTIN L. VASSALLO
Assistant United States Attorneys
86 Chambers Street
New York, New York 10007
Tel. (212) 637-2711/2758/2725/2822
Fax (212) 637-2786
shane.cargo@usdoj.gov
lara.eshkenazi@usdoj.gov
allison.d.penn@usdoj.gov
kristin.vassallo@usdoj.gov